

CAPITAL IMPROVEMENT PROGRAM COMMITTEE (CIPC)

Minutes for January 28, 2009

Present: CIP Members: Chairman David Weaver, Mary Ellen Fitzgerald, Cynde Hertzog, Dawn Hayes, Conrad Anker, Todd Mitchell, Larry Beck, Dennis Steinhauer and Commission Liaison Joe Skinner. Staff: County Administrator Earl Mathers, Grants and Projects Administrator Larry Watson, and Glenda Howze. Guests: County Attorney Marty Lambert and Sheriff Cashell.

The meeting was called to order at 7:35 AM in the Courthouse Community Room.

Public Comment: There was no public comment on matters not on the agenda.

Approval of Minutes (January 14, 2009): Ms. Fitzgerald made a motion to approve the minutes of January 14, 2009 as written. Ms. Hayes seconded the motion. All vote aye. Motion carried unanimously.

Presentation of Application Requests by Submitters: County Attorney Marty Lambert presented comment on application number 2010-03 and 2010-04. He presented the history of the Guenther Center, noting that it was purchased in 2003-2004 and it was understood at that time that an elevator was needed. In the first budget year following the purchase \$65,000 was reserved for this purpose. There is a freight elevator located in the northwest corner of the building, but it can't be used for passengers. The County Attorney moved into the building in 2004. The Americans with Disability Act makes this renovation required by law. He noted that it is time to get the elevator done for this reason and for the security of the employees. Think One has designed the project to do the retrofit and the security remodel at the same time – the concepts have melded nicely. Rather than place the elevator on the east side of the building, it is now proposed for the middle of the building. Mr. Lambert noted that this is not an optional project; the County is working in a temporary condition. He also offered the committee, especially new members, a tour of the facility. Mr. Lambert stated that he is going to look into the ADA chapter and verse to determine how long the "temporary" accommodations can be acceptable. He noted that we are going into the sixth year of putting this off and it won't be less expensive to continue to wait. The plan is for the elevator to open into a secure location where visitors will identify themselves and then be admitted. He also stated that this is the largest county attorney office in Montana not already "secure." He noted that as an elected official he doesn't like putting himself apart from the public, but the lack of security is not a good way to do business either. He provided a recent example of when the security of himself and his employees was potentially at risk and stated that his administrative staff, who are the first point of contact, are not paid well enough to take that kind of risk.

Ms. Fitzgerald inquired about specifics about the project – whether the stairs will still there and how the back doors are secured. Mr. Lambert stated that the stairs will enter the same secure area and the back doors are outfitted with key pad entry already. Mr. Weaver asked if once the Law and Justice Center site is master planned, would there be a possibility that the County Attorney's office would go

back to the original campus area. Mr. Lambert stated that this is a possibility. Commissioner Skinner inquired about the number of times in the past six years that someone with a disability has had to be accommodated downstairs. Mr. Lambert stated that it has probably occurred twice in the six years. Commissioner Skinner asked if that didn't argue the point that there is not a great need for a passenger elevator. Mr. Mathers stated the County does need to take a close look at the law and what defines reasonable accommodation. Mr. Lambert made note of an issue at the airport [Gallatin Field] where they ended up paying a lot of money because they dug their heels in on an ADA issue. He stated that he understands the budget constraints, but the ADA is there and the County could end up having to pay a lot more if forced to do something later rather than doing it on our own now. Ms. Fitzgerald asked how much of the first floor is empty at this time. Mr. Lambert stated that there are two empty offices right now and also stated that reasonable accommodations according to ADA have to be temporary. He also noted that the initial project for just replacement of the freight elevator was \$165,000. Mr. Weaver asked what happened to the money that was set aside. Mr. Lambert stated that it was a capital line item but is unsure of what became of the original \$65,000. He also commented on the security needs of Court Services, stating that the pre-trial release program is a great one but it is not a good situation with potentially dangerous people in and out every day. The program works well but the function of the office space and location of restrooms is not good. Clients have to be taken through the offices to get to a bathroom, which is not the best case scenario. Ms. Fitzgerald inquired about the operations of the County Attorney's Office and whether they have any revenue source. Mr. Lambert explained that the only revenue source that they have is from the bad check program and it is minimal. [Sheriff Cashell commented that the issue at the airport was not even the elevator but the three steps from the second level to the restaurant.]

Sheriff Cashell presented comment on application number 2010-24, 2010-25 and 2010-26. 2010-24: The Sheriff explained that Big Sky has limited office space and there is a constant argument with the Search and Rescue there about the space. The Forest Service, Highway Patrol and Planning Department have also been experiencing difficulties with finding adequate space for operations in Big Sky. The Forest Service is willing to enter into a long-term CUP on some of their property for a facility that could accommodate all of the entities listed. Initially the group looked at land owned by the Highway Department site but it had too many hazmat issues of a significant nature. The current plan is to acquire a CUP for the County to borrow money through the Intercap loan program and build a facility that will provide office space for all of the agencies in need, and eventually provide housing, equipment storage, etc. The resort tax allocation will be used to pay off the loan and the County will assume upkeep and maintenance on the building for our contribution. Other entities will pay rent. This project would send a message to the Big Sky residents, who often feel like they aren't treated as part of the County. This building would be something for everyone to use. Housing is also a big issue for each of these entities and it is difficult to place employees in this area with the high cost of housing. This facility could help with that by providing an attached housing facility in the future.

2010-26: The Sheriff stated that the co-existing of the City Police Department with the Sheriff's Office is best and even a separation of a couple hundred yards can take away the benefit. He suggested that the Committee look at the project submitted by the Courts (2010-04) and the one he submitted and make them a priority. He even stated that they could be considered shovel ready projects that could receive stimulus funds and that the County should be "driving the train," not the City. Mr. Mathers stated that he is on the same page as the Sheriff as far as the joint law enforcement facility, but there is lots of complexity to this issue. He noted that the County is taking a look at this issue and there is a possibility that some PILT funds could be used to get the project going. The

County has a tacit commitment to moving forward with a new Law and Justice Center but it needs a lot more study in order to determine the best course of action. Realistically the current economical climate is not conducive to getting another bond measure passed right now. The County needs to success with the jail project and show the community that we can do it economically and efficiently, and hopefully by that point the economy will have improved and we can go back to the voters for a new L&J. Mr. Weaver asked if the application from the District Court Judges and the Sheriff's application (2010-26) could be considered duplicates and the Sheriff indicated that they could. The Sheriff stated that in his opinion Gallatin County should be hesitant to liquidate any of its assets – such as selling land to the City. He also noted that the best deal for the taxpayers would be to have all of their services in one spot, by going through one door. Separate facilities means two of everything – reception areas, records storage, etc.

2010-25: The Sheriff explained that there is a huge record storage problem in Gallatin County. Much of the Sheriff's evidence and records must be kept in a climate controlled environment. Some of the evidence is very large such as cars, a part of a house, etc. Biological evidence must be kept either refrigerated or frozen. Evidence technicians needs to have a clean space to drive into and process a vehicle. Currently the Sheriff's Office has storage in nine rental units around the County – this makes it very difficult to find evidence at times. He reiterated that we do need to get a (jail) project done and show the public that it can be done. Mr. Weaver asked the Sheriff if he was aware of any cases that have been compromised due to the evidence storage issue. The Sheriff responded that he doesn't know of any that have been compromised, but there are old cases coming up that will require them to find very old evidence, and this could be a problem. Ms. Fitzgerald inquired about using old buildings at the former Road and Bridge Department. Mr. Mathers stated that he'd personally like to use these but there has been a long-standing commitment to return this property to the Fairgrounds. Mr. Watson stated that the Fair Board is amenable to some temporary usage of some of the buildings for a defined period of time. Mr. Beck asked if any of the storage units in use are owned by the County. The Sheriff explained that they are all rented units. He agreed to check on the cost to his department on a monthly basis. Mr. Weaver invited the Sheriff to attend the CIP meeting on February 11th when the City presents their latest plan.

Mr. Weaver also asked about the County's obligation to provide full-time law enforcement in the Big Sky area. Sheriff Cashell explained that this is a community of 2500-3000 people that live and pay taxes in Gallatin County. Gallatin County pays for two deputies to live and work in Big Sky and this practice began in 1973. There are five deputies there, 2 funded by Madison County and the fifth funded by the Big Sky Owner's Association. The residents understand that they can't have 24/7 coverage, but the five do the best they can. There are also two deputies located in West Yellowstone. The County has a moral obligation to provide law enforcement to all of its taxpayers, including those in Big Sky. Discussion also took place regarding the idea of having Madison County deputies in the area with Gallatin County deputies rather than having an agreement for services with Madison County.

Next Meeting: Mr. Watson agreed to make sure that the City is invited to attend and participate in the meeting on February 11th. Discussion took place regarding the relationship of Dowling/Sandholm to the City and County. Mr. Watson explained that the City hired Jeff Sandholm to coordinate their plans due to the relationship with the County and his knowledge of the campus planning that had already taken place. Discussion took place regarding whether or not this was a conflict of interest. Mr. Watson stated that Mr. Sandholm will say that he is not giving his opinion on the options but simply giving you two options that will work. Mr. Lambert stated that if he were the Commission

he'd do his best to accommodate the co-location, whether it is separate buildings or not. He gave the example of the Victim Services Department and how crucial it is for all of the law enforcement and court functions to be located on the same property, though he disagreed with the Sheriff that two separate buildings would be detrimental. He expressed that he feels it most important for the City to stay on the same site and that the County should find a way to do this regardless of whether it is the northwest or southwest corners. He also stated that the scope of work of Dowling Sandholm determines what they are hired to do.

Ms. Howze distributed copies of comment from Judge G. Smith regarding the review teams position on application number 2010-18.

Review of Application Requests by Submitters: Mr. Weaver explained the application process for new members. He also reviewed the six criteria and asked members to go through each application and assign numerical value to each of the criteria. Ms. Howze was asked to email out the scoring sheet and distributed the criteria definitions. Mr. Weaver discussed the review team process and stated that this should be re-reviewed at the end of our process for this next fiscal year.

Other: Ms. Hertzog noted that she is the ADA coordinator for the County and will review all of the materials she can find on the elevator and reasonable accommodation clause for the Guenther Center. The ADA discussion will be placed on the 2/24 agenda for further discussion.

Meeting was adjourned at 9:05 AM